

SIXTY-FIFTH DAY
(Thursday, May 7, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by Senator Mauzy, Dean of the Senate.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Absent-excused: Andujar, Parker, Wilson.

A quorum was announced present.

The Reverend Martin Walker, St. Peter's Methodist Church, Austin, offered the invocation as follows:

Our Father in Heaven, we plead with You to give us the long view of our world. Help us to see that it is better to fail in a cause that will ultimately succeed, than to succeed in a cause that will ultimately fail;

May Your will for all people be done here, and may Your program be carried out; above party lines, above personalities, beyond time and circumstance, for the good of America and the peace of the world, through Jesus Christ we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Andujar was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Wilson was granted leave of absence for today on account of important business on motion of Senator Brooks.

MESSAGE FROM THE HOUSE

House Chamber
May 7, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 178, In memory of Paul Green.

The House has concurred in Senate amendments to H.B. 2012 by vote of 132 ayes, 3 noes.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Human Resources:

H.B. 796
S.B. 1144

Senator Caperton, Acting Chairman, submitted the following report for the Committee on Human Resources:

S.C.R. 100

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 996
S.B. 987
S.B. 936 (Amended)
C.S.S.B. 1209 (Read first time)
S.B. 1162
S.B. 1163
S.B. 1083
H.B. 2078

SENATE RESOLUTIONS ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 104 by Parker Administration
Directing the Texas Coastal and Marine Council to develop information and methods to reduce maritime accidents and collisions on Texas waterways.

S.C.R. 105 by Parker Administration
Instructing the Texas State Artist Selection Committee to work with the Texas Commission on the Arts to study alternative procedures for selecting the state artist.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
May 7, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE ADVISORY COUNCIL ON SMALL BUSINESS ASSISTANCE:

For a six-year term to expire January 1, 1987:

MARTHA JAMES BOYSEN of Austin, Travis County, is being reappointed.

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE GUADALUPE-BLANCO RIVER AUTHORITY:

For a six-year term to expire February 1, 1987:

PRESTON A. STOFER of Long Mott, Calhoun County, is being reappointed.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

S.B. 301

S.B. 478

S.B. 602

S.B. 1122

S.B. 735 (Signed subject to
Sec. 49a, Art. III,
Constitution of State
of Texas)

CONFERENCE COMMITTEE REPORT SENATE BILL 205

Senator Harris submitted the following Conference Committee Report:

Austin, Texas
April 28, 1981

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 205** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HARRIS
MEIER
LEEDOM
TRAEGER
OGG

On the part of the Senate

SEMOS
LEWIS
JACKSON
CAIN

On the part of the House

**CONFERENCE COMMITTEE REPORT
SENATE BILL 205**

**A BILL TO BE ENTITLED
AN ACT**

relating to the participation by cities and unincorporated areas in a regional transportation authority in metropolitan areas; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 4, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 4. (a) The process shall be initiated by a resolution or order of each creating entity containing the following provisions:

(1) A description of the boundaries of the territory proposed to be included in the subregion(s) of the authority;

(2) designation of the time(s) and place(s) agreed upon by the creating entity or entities for holding public hearings on the proposal to create the authority[;]

~~[(3) authorization for establishment of the interim subregional boards and interim executive committee].~~

(b) The boundaries of the proposed authority shall include all territory in the county or counties of the principal city or cities and any additional territory in adjacent counties having more than 52,000 population that is included in the resolution(s) or order(s). A unit of election that has the majority of its population in a county of a principal city, shall be included in the subregion of that principal city for the purposes of the initiating procedure.

(c) Notice of the time and place of the public hearings, including a description of the area proposed to be included in the authority, shall be published once a week for two consecutive weeks in a newspaper of general circulation in each of the county or counties of the principal city or cities, the first publication to be not less than 30 days prior to the date fixed for the hearing. The creating entities shall submit to the State Highways and Public Transportation Commission and the comptroller of public accounts a copy of this notice.

(d) The creating entity or entities ~~[and the interim executive committee]~~ shall conduct the hearings at the time and place specified in the notice and may continue the hearings from day to day and from time to time until completed. Any interested person may appear and offer evidence concerning the boundaries and creation of the authority, operation of a regional transportation system, and whether creation of an authority would be of public utility and in the public interest, as well as any other facts bearing upon the creation of an authority.

(e) The governing body of each city located within the boundaries of the proposed authority may by resolution confirm the participation of its city in the process established in Sections 5, 6, 7, 8, and 9 of this Act to develop an initial service plan and rate of tax prior to the confirmation election. If a governing body fails to so confirm within 60 days after the process has been initiated by the creating entity or entities, the creating entity or entities and those governing bodies that have so confirmed may proceed on their own without the participation of the nonconfirming governing bodies.

(f) The commissioners court of each county in which unincorporated areas are located within the boundaries of the proposed authority may by order confirm the participation of the unincorporated areas in the process established in Sections 5, 6, 7, 8, and 9 of this Act to develop an initial service plan and rate of tax prior to the confirmation election. If a commissioners court fails to so confirm within 60 days after the process has been initiated by the creating entity or entities, the creating entity or entities and those commissioners courts that have so confirmed may proceed on their own without the participation of the nonconfirming commissioners courts.

(g) ~~(e)~~ After hearing the evidence presented at the hearings, but no earlier than 75 days after the process has been initiated by the creating entity or entities, the creating entity or entities shall each adopt the resolution or order designating the name of the authority, listing the names of the cities whose governing bodies and the unincorporated areas whose county commissioners courts have confirmed initial inclusion in the authority, and authorizing appointment of the interim subregional boards and interim executive committee [prescribing the territory to be included in the authority, and declaring that the actual territory included in the authority is subject to the results of the confirmation election]. If one creating entity fails to adopt this resolution or order within 60 days of the action of the other creating entity, the first creating entity may proceed on its own.

(h) ~~(f)~~ After the hearing, the results of the hearing and the boundaries set by the creating entities shall be submitted to the State Highways and Public Transportation Commission and the comptroller of public accounts."

Sec. 2. Subsection (f), Section 5, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), is amended to read as follows:

"(f) The executive committee shall receive recommendations for the annual budget from each of the subregional boards and shall obtain approval from each subregional board of the final annual budget as it pertains to that board's subregion. The executive committee shall make its proposed annual budget available to the governing bodies of the cities within the authority at least 30 days prior to adoption of the final annual budget."

Sec. 3. Subsection (b), Section 6, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The commissioners court of the county of the principal city shall appoint one member. ~~[The member shall represent only the communities and unincorporated areas in the county not directly represented on the board and shall reside in such area.]~~"

Sec. 4. Subsection (f), Section 6, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), is amended to read as follows:

"(f) Every five years, as of the first day of September following the date the census data or population estimates become available, or when a city or an unincorporated area withdraws from or joins in the authority, the board shall be

restructured pursuant to Subsections (c) and (h), if warranted by the withdrawal or addition of cities or unincorporated areas, or by population changes, or changes in combinations established pursuant to Subsection (e) of this section."

Sec. 5. Section 9, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) After the interim executive committee has organized, it shall develop a service plan, and a rate of tax that it desires to levy. After the interim executive committee approves a service plan and a rate of tax that it desires to levy, the governing body of each city acting on behalf of the city and the commissioners court in the county of each unincorporated area acting on behalf of the unincorporated area may by resolution or order approve the service plan and rate of tax. If any governing body or commissioners court fails to so approve within 45 days after the interim executive committee has approved a service plan and rate of tax, the city or the unincorporated area upon whose behalf the governing body or commissioners court acts shall not participate in the service plan nor in a confirmation election that shall be called by the interim executive committee in accordance with the provisions of this section; provided, however, that if the governing body of the principal city of a subregion does not approve the service plan and rate of tax, the interim executive committee shall not call a confirmation election in that subregion ~~developed a service plan, and determined the rate of tax that it desires to levy, it shall call a confirmation election in accordance with the provisions of this section~~].

(b) Not earlier than 60 days after the interim executive committee has approved a service plan and rate of tax, the interim executive committee shall:

(1) finally approve a service plan and rate of tax after modifying its approved service plan and rate of tax only to reflect the nonparticipation of certain cities or unincorporated areas in the service plan; and

(2) notify the commissioners court of each county included in whole or in part within the initial boundaries of the authority of its intention to call a confirmation election. ~~Before ordering an election, the executive committee shall notify the commissioners court of each county included in whole or in part within the initial territory of the authority of its intention to do so.~~ Within 30 days after receipt of the notice, each commissioners court by order shall create not more than five designated units of election in the unincorporated portion of the appropriate county. Each designated unit of election shall have outer boundaries, to the extent practicable, that coincide with a boundary of a county voting precinct so that insofar as practicable no county voting precinct is divided between two different designated election areas. ~~The total area of all designated election areas shall include all of the unincorporated area within the initial territory of the authority.~~

(c) When the executive committee orders a confirmation election, it shall submit to the qualified voters of cities and unincorporated areas participating in the election within the authority the following proposition:

"Shall the creation of (name of authority) be confirmed and shall the levy of the proposed tax, not to exceed (rate), be authorized?"

(d) Except as otherwise provided in this Act, notice of the election shall be given in accordance with the general election laws. The notice of the election shall include a

description of the nature and rate of the proposed tax. A copy of the notice of the election and any other election held pursuant to this Act shall be furnished to the State Highways and Public Transportation Commission and the comptroller of public accounts.

(e) The election shall be conducted so that votes are separately tabulated and canvassed in each participating unit of election within the authority.

(f) Immediately after the election, the presiding judge of each election precinct shall return the results to the executive committee, which shall canvass the returns and declare the results separately with respect to each unit of election. In those units of election where a majority of the votes cast is in favor of the confirmation of the creation of the authority and the levy of the proposed tax, the authority shall continue to exist; except, that unless the vote is favorable in the unit of election which includes the principal city, or in contiguous units of election where the population when aggregated in all the units exceeds 300,000, the authority shall cease to exist in that subregion. If the votes cast are such that the authority will continue to exist in either or both subregions, the executive committee shall enter the results on its minutes and adopt an order declaring that the creation of the authority is confirmed and describing the territory which comprises the authority. All units of election approving the authority and proposed tax shall be included in the authority if their subregion is included, unless the executive committee of the authority notifies the appropriate governing body in writing that it is excepted from the authority and proposed tax because it is not contiguous to the existing authority and would create a fiscal hardship on the authority. A certified copy of the order adopted by the executive committee shall be filed with the State Highways and Public Transportation Commission and the comptroller of public accounts. The order shall reflect the date of the election, the proposition voted on, the total number of votes cast for and against the proposition in each unit of election, the number of votes by which the proposition was approved in each election unit, and shall be accompanied by a map of the authority clearly showing the boundaries of the authority.

(g) If the votes cast are such that the authority ceases to exist in its entirety, the executive committee shall enter an order so declaring and file a certified copy of the order with the State Highways and Public Transportation Commission and the comptroller of public accounts, and the authority shall be dissolved.

(h) The cost of the confirmation election shall be paid by the creating entity or entities.

(i) If the election results in the confirmation of an authority, the authority shall, within the limits confirmed, be authorized to function in accordance with the terms of this Act, and the executive committee may levy and collect the proposed tax within those limits. In no event shall the tax authorized under this Act be levied in any unit of election which has failed to confirm the authority.

(j) If the continued existence of an authority is not confirmed by election within three years after the effective date of the resolution(s) or order(s) initiating the process to create the authority, the authority ceases to exist on the expiration of the three years.

(k) For a period of one year following a confirmation election, the governing body of any unit of election may on its own volition or shall, upon receipt of a petition containing signatures of at least 20 percent of the registered voters within that unit of election, call an election and offer the following proposition: "Shall the (name of authority) be dissolved in (unit of election)." Should the majority of voters voting in the election vote to dissolve the authority within the unit of election, the authority shall cease to exist within the unit of election as of 12:00 midnight on the date of the canvass of the election and all financial obligations of that unit of election will cease to accrue at that time. The financial obligation shall be computed on a per capita basis for the

entire year and taxes will continue to be collected until such time as all financial obligations of the unit of election are paid, at which time the taxes collected to support the authority shall cease within that unit of election.

(l) Should the governing body within a unit of election call an election on its own volition or upon petition as provided in Subsection (k), for the purpose of dissolving the authority within the unit of election, more than 12 months after the confirmation election, at least 12 months notice of intent to hold the election must be provided to the executive committee, the State Department of Highways and Public Transportation and the comptroller of public accounts."

Sec. 6. Subsection (g). Section 10, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), is amended to read as follows:

"(g) The authority shall have the right of eminent domain to acquire lands in fee simple and any interest less than fee simple in, on, under and above lands, including, without limitation, easements, rights-of-way, rights of use of air space or subsurface space, or any combination thereof; provided that this right shall not be exercised without the approval of each proposed acquisition in a city by the governing body of that city and the approval of each proposed acquisition in an unincorporated area by the commissioners court of the county of that unincorporated area; and provided further that such right shall not be exercised in a manner which would unduly impair the then existing neighborhood character of property surrounding or adjacent to the property sought to be condemned or unduly interfere with interstate commerce or which would authorize the authority to run its vehicles on railroad tracks which are used to transport property."

Sec. 7. Subsection (h). Section 10, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), is amended to read as follows:

"(h) Eminent domain proceedings brought by the authority shall be governed by the provisions of Title 52, Eminent Domain, Revised Civil Statutes of Texas, 1925, as they now exist or hereafter may be amended, insofar as such provisions are not inconsistent with this Act. Proceedings for the exercise of the power of eminent domain shall be commenced by the adoption by the executive committee of a resolution declaring the public necessity for the acquisition by the authority of the property or interest therein described in the resolution, and that such acquisition is necessary and proper for the construction, extension, improvement or development of the system and is in the public interest. The resolution of the authority and the approval of the resolution by the appropriate governing body or commissioners court shall be conclusive evidence of the public necessity of such proposed acquisition and that such real or personal property or interest therein is necessary for public use."

Sec. 8. Subsection (b). Section 11, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The governing body of any incorporated city or town located in whole or in part within a county in which the authority is situated ~~[other than a principal city as defined by this Act,]~~ may hold an election on the question of whether the city or town shall be annexed to the authority. If a majority of the qualified voters in the city or town votes for annexation, the governing body shall certify the results of the election to the executive committee of the authority, and the city or town shall become a part of the authority, except as provided in Subsection (f) of this section. Should a principal city of another subregion or the other subregion choose to join the authority, the procedures

outlined in Sections 3 and 4 of this Act shall apply. Following the conduct of an election as directed by Section 9 of this Act, a subregional board will be established according to either Section 6 or 7 of this Act. The executive committee existing before the additional subregional board is created will be modified to conform with Section 5 of this Act."

Sec. 9. Subsection (a), Section 24, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) Nothing contained in this Act shall require any city with a population in excess of 150,000, according to the most recent federal census and with boundaries contiguous to a principal city with a population less than 800,000 according to the most recent federal census, or any city with boundaries contiguous to a principal city and with boundaries extending into two or more adjacent counties, two of which counties include a principal city, to be a part of or participate in the regional transportation authority provided herein. Such cities shall be called "contiguous cities."

Sec. 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 319 ADOPTED

Senator Short called from the President's table the Conference Committee Report on **S.B. 319**. (The Conference Committee Report having been filed with the Senate and read on Wednesday, May 6, 1981)

On motion of Senator Short, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, Parker, Wilson.

(President in Chair)

CONFERENCE COMMITTEE REPORT ON SENATE BILL 126 ADOPTED

Senator Kothmann called from the President's table the Conference Committee Report on **S.B. 126**. (The Conference Committee Report having been filed with the Senate and read on Wednesday, May 6, 1981)

On motion of Senator Kothmann, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, Parker, Wilson.

COMMITTEE SUBSTITUTE SENATE BILL 1146 ON THIRD READING

Senator McKnight moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 1146, Relating to distribution, proration, apportionment, allocation, and regulation of certain oil and gas.

(Senator Brooks in Chair)

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Harris, Jones, Kothmann, McKnight, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Travis, Truan, Uribe, Vale, Williams.

Nays: Farabee, Glasgow, Howard, Leedom, Mauzy, Meier, Short, Snelson, Traeger.

Absent-excused: Andujar, Parker, Wilson.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 9, Present-not voting 1.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Harris, Jones, Kothmann, McKnight, Mengden, Richards, Santiesteban, Sarpalius, Travis, Truan, Uribe, Vale, Williams.

Nays: Farabee, Glasgow, Howard, Leedom, Mauzy, Meier, Short, Snelson, Traeger.

Present-not voting: Ogg.

Absent-excused: Andujar, Parker, Wilson.

COMMITTEE SUBSTITUTE SENATE BILL 413 ON THIRD READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 413, Relating to commercial shrimping.

The bill was read third time.

Senator Sarpalius offered the following amendment to the bill:

Amend **C.S.S.B. 413** by amending Section 77.020, Parks and Wildlife Code, by amending subsections (a) and (b) and adding a subsection (c) to read as follows:

(a) A person who violates a provision of this chapter except Section 77.024 of this code, or those sections specified in Subsection (b) or (c) below, is guilty of a misdemeanor and on conviction is punishable:

- (1) by a fine of not less than \$50 nor more than \$200 for the first offense;
- (2) by a fine of not less than \$100 nor more than \$500, or confinement in the county jail for not less than 10 days nor more than 60 days, or both, for the second offense; and
- (3) by a fine of not less than \$500 nor more than \$2,000 and confinement in the county jail for not less than 30 days nor more than 6 months for the third offense.

(b) A person who violates Section 77.011, 77.013, 77.016, 77.017, 77.018, 77.019, 77.047, 77.061, 77.063, 77.064, 77.065, 77.066, 77.067, 77.068, 77.069, 77.070, 77.081, 77.082, 77.085, 77.086, 77.087, 77.088, 77.089, 77.090, 77.091, ~~(77.092)~~ 77.093, 77.095(a), 77.096, 77.097, 77.098, or 77.099 of this code is guilty of a misdemeanor and on conviction is punishable:

- (1) by a fine of \$200 for the first offense;
- (2) by a fine of not less than \$300 nor more than \$700 or confinement in the county jail for not less than 10 days nor more than 60 days or both for the second offense;
- (3) by a fine of not less than \$750 nor more than \$2500 and confinement in the county jail for not less than 30 days nor more than six months for the third offense.

(c) A person who violates the time limit as defined in Section 77.092 of this code shall be guilty of a Class B misdemeanor. A person who violates the poundage limit as defined in Section 77.092 shall be guilty of a misdemeanor and on conviction is punishable as specified in Subsection (b) of this Section.

The amendment was read and was adopted by unanimous consent.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 23, Nays 5.

Yeas: Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalus, Short, Snelson, Traeger, Travis, Vale, Williams.

Nays: Blake, Harris, Mauzy, Truan, Uribe.

Absent-excused: Andujar, Parker, Wilson.

(President Pro Tempore Traeger in Chair)

SENATE BILL 755 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 755. Relating to property agreements and divisions of property between spouses and persons about to marry and to gifts from one spouse to the other; providing for the rights, privileges, duties, and powers of spouses and third parties in relation to interspousal agreements, divisions, and gifts.

The bill was read second time and was passed to engrossment.

SENATE BILL 755 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 755** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, Parker, Wilson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, Parker, Wilson.

SENATE BILL 922 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 922, Relating to marital property rights with regard to certain multiple-party accounts in financial institutions.

The bill was read second time and was passed to engrossment.

SENATE BILL 922 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 922** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, Parker, Wilson.

The bill was read third time and was passed.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1093 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1093, Relating to the regulation of lay midwives; providing penalties.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1093 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1093** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, Parker, Wilson.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 784 ON SECOND READING

Senator Harris moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 784, Regulating interest rates on life insurance policy loans; authorizing and setting guidelines for life insurers to utilize in providing for periodic adjustment of policy loan interest rates; amending Chapter 3, Insurance Code, as amended, by adding Article 3.44c, and declaring an emergency.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Brooks, Brown, Caperton, Glasgow, Harris, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Uribe, Vale.

Nays: Blake, Doggett, Farabee, Howard, Mauzy, McKnight, Truan, Williams.

Absent-excused: Andujar, Parker, Wilson.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Amend Senate Bill 784 by striking the number "15" on line 40 (Section 1, Article 3.44c3(a)(2) and substituting the number "12."

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 17, Nays 11.

Yeas: Brown, Caperton, Glasgow, Harris, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis.

Nays: Blake, Brooks, Doggett, Farabee, Howard, Mauzy, McKnight, Truan, Uribe, Vale, Williams.

Absent-excused: Andujar, Parker, Wilson.

Senator Truan offered the following amendment to the bill:

Amend Senate Bill 784 by adding a new Section 2, to read as follows, and renumbering subsequent sections:

SECTION 2. This Act takes effect September 1, 1983.

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 19, Nays 9.

Yeas: Brooks, Brown, Caperton, Glasgow, Harris, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Uribe.

Nays: Blake, Doggett, Farabee, Howard, Mauzy, McKnight, Truan, Vale, Williams.

Absent-excused: Andujar, Parker, Wilson.

The bill was passed to engrossment by the following vote: Yeas 19, Nays 9.

Yeas: Brooks, Brown, Caperton, Glasgow, Harris, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Uribe.

Nays: Blake, Doggett, Farabee, Howard, Mauzy, McKnight, Truan, Vale, Williams.

(Same as previous roll call)

MESSAGE FROM THE HOUSE

House Chamber
May 7, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 246 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House Conferees: Haley, Chairman; Delco, Atkinson, Blanton, Kubiak.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE CONCURRENT RESOLUTION 64 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 64. Granting Frank E. Hejl permission to sue the State.

The resolution was read second time and was adopted.

SENATE BILL 610 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 610, Relating to the adoption of an election code; providing penalties.

The bill was read second time.

Senator Ogg offered the following committee amendment to the bill:

Amend **S.B. 610** by striking lines 41-42, page 211, and substituting the following:

(e) If the printout is illegible, the presiding judge shall note that fact on the returns. Before completing its canvass of the returns, the local canvassing authority shall make the appropriate entries on the returns using the registering counters of the voting machine as the source of the election results. On the written request of the presiding officer of the local canvassing authority, the custodian of the voting machine shall open its registering counters at the time specified by the request for the purpose of obtaining the election results registered on the machine.

The committee amendment was read and was adopted.

Senator Ogg offered the following committee amendment to the bill:

Amend **S.B. 610**, page 211, line 31, by striking “may” and substituting “shall”.

The committee amendment was read and was adopted.

Senator Ogg offered the following committee amendment to the bill:

Amend **S.B. 610** as follows:

1. On page 50, line 51, strike “(a)”.
2. On page 51, strike lines 4 - 5.

The committee amendment was read and was adopted.

Senator Ogg offered the following committee amendment to the bill:

Amend **S.B. 610** as follows:

(I. Amendments to TITLE 1. INTRODUCTORY PROVISIONS)

(1)(a) In Section 1.004, pages 4-5, add a new Subdivision (23) to read as follows:

(23) “Gubernatorial general election” means the general election held every four years to elect a governor for a full term.

- (b) On page 65, line 31, strike “regular”.
- (c) On page 236, line 28, strike “regular”.
- (d) On page 236, line 34, strike “regular”.
- (e) On page 268, line 34, strike “regular”.
- (f) On page 268, line 42, strike “regular”.
- (g) On page 270, line 39, strike “regular”.
- (h) On page 270, line 45, strike “regular”.
- (i) On page 293, line 54, strike “regular”.
- (j) On page 297, line 19, strike “regular”.

- (k) On page 297, line 33, strike "regular".
- (l) On page 301, line 30, strike "regular".
- (m) On page 301, line 45, strike "regular".
- (2) On page 8, strike lines 34-36 and substitute "title of the office shall be listed in a vertical column with the name of each candidate listed below the office title, and each candidate's political party shall be stated next to the candidate's name."

(II. Amendments to TITLE 2. VOTER REGISTRATION)

- (1) On page 15, line 29, strike "the" and substitute "this".
- (2) On page 16, line 21, strike "oaths under seal of office if an oath" and substitute "an oath under seal of office if the oath".
- (3) On page 19, line 31, strike "a valid" and substitute "an".
- (4) On page 19, line 36, strike "for a valid application".
- (5) On page 22, line 10, strike "proscribed" and substitute "prescribed".
- (6) On page 23, lines 15-16, strike "during the period beginning on the 33rd day and ending on the 30th day before" and substitute "on or after the 33rd day and before the 29th day preceding the day of".
- (7)(a) On page 18, line 28, insert "UNLAWFUL" between "13.043." and "FAILURE".
- (b) On page 23, line 20, insert "UNLAWFUL" between "13.043." and "FAILURE".
- (8)(a) On page 23, lines 22-23, strike "deliver a completed registration application to the registrar by the deadline prescribed by" and substitute "comply with".
- (b) On page 23, line 27, strike "deliver" and substitute "comply".
- (9) On page 32, line 41, strike "pursuant to" and substitute "under".
- (10) On page 37, line 43, strike "under" and substitute "pursuant to".
- (11) On page 39, line 3, strike "under" and substitute "pursuant to".
- (12) On page 41, line 32, strike "under" and substitute "pursuant to".
- (13) On page 43, line 56, strike the comma between "county" and "pursuant".
- (14) On page 45, line 36, strike "19.002" and substitute "19.002(d)".

(III. Amendments to TITLE 3. ELECTION OFFICERS)

- (1) On page 51, line 4, insert "under this code" between "state" and "have".
- (2) On page 52, line 37, strike "from".
- (3)(a) On page 53, line 43, strike "and papers".
- (b) On page 53, line 45, strike "and papers".
- (4) On page 56, line 33, insert "the day" between "after" and "an".
- (5) On page 57, line 3, strike the comma.
- (6)(a) On page 57, line 22, strike "may" between "state" and "prescribe" and substitute "shall either".
- (b) On page 57, line 22, strike "may" following "or".
- (c) On page 57, line 24, insert ", as the secretary determines appropriate under the circumstances" between "party" and the period.
- (7) On page 59, line 52, strike "authority" and substitute "secretary (or the other authority)".
- (8) On page 60, lines 9-11, strike "secretary of the political subdivision's governing body or the authority performing the duties of a secretary" and substitute "authority appointing the agent".
- (9)(a) On page 64, line 38, insert "the day of" between "before" and "the".

- (b) On page 64, line 38, strike "subsequent".
- (10) In Section 32.054, pages 66-67, add a new Subsection (c) to read as follows:
 - (c) In this section, "candidate" means a person who has taken affirmative action for the purpose of gaining nomination or election.
- (11) On page 70, line 8, insert "authority" between "county" and the period.
- (12) On page 72, line 29, strike "by" and substitute "from".
- (13)(a) On page 73, line 51, insert "(a)" between "OFFICE." and "A".
- (b) In Section 33.032, pages 73-74, add a new Subsection (b) to read as follows:
 - (b) In this section, "candidate" means a person who has taken affirmative action for the purpose of gaining nomination or election.
- (14)(a) On page 75, line 27, strike "on election day" and substitute "for the purpose of processing or preparing to process election results".
- (b) On page 75, line 28, insert "for the election" between "duties" and "at".
- (15)(a) In Subsection (d), Section 33.056, page 75, add a new sentence at the end of the subsection to read: "However, before permitting a watcher at a precinct polling place who made written notes to leave while the polls are open, the presiding officer may require the watcher to leave the notes with another person on duty at the polling place, selected by the watcher, for retention until the watcher returns to duty."
- (b) On page 76, strike lines 18-22.

(IV. Amendments to TITLE 4. TIME AND PLACE)

- (1) On page 80, line 2, insert "political" before "subdivision's".
- (2)(a) On page 83, line 5, strike "division" and substitute "unit".
- (b) On page 83, line 7, strike "division" and substitute "unit".
- (3)(a) On page 83, line 51, strike "required" and substitute "permissible".
- (b) On page 83, line 55, strike "required" and substitute "permissible".
- (4) On page 84, lines 29-30, strike "precincts consolidated for the primary" and substitute "consolidation".
- (5) On page 85, lines 16-17, strike ", or may be scheduled," and substitute "scheduled or may be scheduled".
- (6) On page 85, line 25, strike "seven days" and substitute "the seventh day".
- (7) On page 85, line 37, strike "three consecutive weeks" and substitute "21 days".
- (8) On page 88, line 24, strike "In" and substitute "For".
- (9)(a) On page 88, line 37, strike "The" and substitute "For a primary election, the".
- (b) On page 88, line 37, strike "a" between "of" and "political" and substitute "the".
- (c) On page 88, line 37, strike "a" between "holding" and "primary" and substitute "the".
- (d) On page 88, strike "election" at the end of line 37.
- (e) On page 88, line 39, strike "in the primary".
- (10) On page 89, line 20, strike "owning" and substitute "that owns".

(V. Amendments to TITLE 5. ELECTION SUPPLIES)

- (1)(a) On page 90, line 1, strike "EQUIPMENT AND".

- (b) On page 90, line 2, strike "EQUIPMENT AND".
- (c) On page 90, line 28, strike "EQUIPMENT AND".
- (d) On page 90, line 29, strike "EQUIPMENT AND".
- (e) On page 1, line 31, strike "EQUIPMENT AND".
- (f) On page 1, line 32, strike "Equipment and".
- (2) On page 90, line 32, strike "title" and substitute "chapter".
- (3) On page 91, line 30, strike "clerks" and substitute "clerk".
- (4)(a) On page 90, line 13, insert "UNLAWFUL" between "51.009." and "FAILURE".
- (b) On page 92, line 19, insert "UNLAWFUL" between "51.009." and "FAILURE".
- (5)(a) On page 95, line 7, insert "UNLAWFUL" between "52.005." and "FAILURE".
- (b) On page 96, line 52, insert "UNLAWFUL" between "52.005." and "FAILURE".
- (6) On page 96, line 56, strike "be" and substitute "have his name".
- (7) On page 98, line 9, strike "conformity" and substitute "accordance".
- (8)(a) On page 102, line 26, strike "civil".
- (b) On page 102, line 27, strike "civil".
- (c) On page 103, line 8, strike "civil".
- (9)(a) On page 103, strike lines 13-15.
- (b) On page 268, strike line 7 and substitute the following:
172.090. PARTY OFFICES
[Sections 172.091-172.110 reserved for expansion]
- (c) In Subchapter D, Chapter 172, page 277, following Section 172.089, add a new Section 172.090 to read as follows:
Sec. 172.090. PARTY OFFICES. The party offices of county chairman and precinct chairman shall be listed on the primary election ballot after the public offices.
- (d) On page 277, line 41, strike "172.090" and substitute "172.091".

(VI. Amendments to TITLE 6. CONDUCT OF ELECTIONS)

- (1) On page 120, line 39, insert "of each county wholly or partly situated in the territory covered by the election" between "clerk" and the semicolon.
- (2)(a) On page 128, line 47, strike "Except as provided by Section 67.011 of this code, the" and substitute "The".
- (b) On page 128, line 48, strike "or" and substitute "other than governor or lieutenant governor, a statewide".

(VII. Amendments to TITLE 7. ABSENTEE VOTING)

- (1)(a) On page 140, line 10, strike "and signed by the applicant".
- (b) On page 140, line 12, strike "and".
- (c) On page 140, line 14, strike the period and substitute "; and".
- (d) In Section 84.001(b), page 140, add a new Subdivision (4) to read as follows:
(4) complies with any other requirements for validity prescribed by this title.
- (e) On page 140, line 19, strike the "and" following the semicolon.
- (f) On page 140, line 21, strike the period and substitute "; and".
- (g) In Section 84.002(a), page 140, add a new Subdivision (3) to read as follows:
(3) the applicant's signature.

(2) On page 141, lines 34-35, strike “provided by Sections 84.009 and 84.010 of this code” and substitute “otherwise provided by this title”.

(3)(a) On page 141, line 46, insert “(a)” between “DELIVERY.” and “An”.

(b) In Section 84.009, page 141, add a new Subsection (b) to read as follows:

(b) This section does not apply to an application submitted under Chapter 101, 102, or 103 of this code.

(4) On page 144, line 38, strike “eligible” and substitute “ineligible”.

(5) In Section 85.035, pages 150-151, add a new Subsection (e) to read as follows:

(e) The secretary of state by rule may prescribe regulations providing for use of envelopes or other containers instead of ballot boxes in which to deposit ballots voted under this section.

(6)(a) On page 153, line 4, strike “absentee voting period” and substitute “period for voting absentee by personal appearance”.

(b) On page 153, line 33, strike “absentee voting period” and substitute “period for voting absentee by personal appearance”.

(c) On page 153, line 33, strike “the absentee” and substitute “that”.

(d) On page 154, line 12, strike “absentee voting period” and substitute “period for voting absentee by personal appearance”.

(7) On page 152, line 13, strike “covered by the election” and substitute “served by the absentee voting clerk”.

(8) On page 157, line 13, strike “an” and substitute “a timely”.

(9) On page 172, line 39, between “include” and “the” insert “, in addition to the information required by the applicable provisions of Section 84.002 of this code,”.

(10)(a) On page 175, line 22, between “valid,” and “the” insert “in addition to including the information required by the applicable provisions of Section 84.002 of this code,”.

(b) On page 175, line 23, strike “to be included”.

(c) On page 175, line 24, strike “in the application” and strike “of this code”.

(11)(a) On page 177, line 18, insert “(a)” between “APPLICATION.” and “To”.

(b) On page 177, line 20, insert “and” after “affidavit;”.

(c) On page 177, strike lines 21-27 and substitute the following:

(2) include, in addition to the contents required by the applicable provisions of Section 84.002 of this code:

(A) a statement that the applicant has a sickness or physical condition that prevents him from entering his precinct polling place without personal assistance or a likelihood of injuring his health; and

(B) a statement that the applicant has not previously voted in the election.

(b) The application is not required to include the certificate prescribed by Section 84.002(b) of this code.

(12) On page 179, line 33, insert “, in addition to the contents required by the applicable provisions of Section 84.002 of this code,” between “include” and “the”.

(13) On page 179, line 17, insert “stating measures” between “propositions” and “on”.

(14) On page 184, line 15, strike the comma.

(VIII. Amendments to TITLE 8. VOTING SYSTEMS)

- (1) On page 197, line 40, insert "the governor or by" between "by" and "a".
- (2) On page 198, line 10, strike "title" and substitute "code".
- (3) On page 201, line 40, insert "if listed by office titles" between "label" and "is".
- (4) On page 205, line 33, strike "equipment" and substitute "supplies".
- (5) On page 212, line 34, strike "two election" and substitute "the election clerks serving at the polling place or, if more than two, then at least two".
- (6) On page 222, line 11, insert "envelopes or other" between "appropriate" and "containers".

(IX. Amendments to TITLE 9. CANDIDATES)

- (1) On page 232, line 33, strike "prescribed" and substitute "required".
- (2) On page 232, line 52, strike "shall" and substitute "must".
- (3) On page 237, line 6, strike "may" and substitute "shall".
- (4)(a) On page 238, line 9, strike "PERIOD" and substitute "DEADLINE".
- (b) On page 239, line 9, strike "PERIOD" and substitute "DEADLINE".
- (c) On page 239, strike lines 13-16.
- (d) On page 239, line 17, strike "(c)" and substitute "(b)".
- (5)(a) On page 240, line 7, strike "PERIOD" and substitute "DEADLINE".
- (b) On page 240, line 28, strike lines 31-34.
- (c) On page 240, line 35, strike "(c)" and substitute "(b)".
- (6)(a) On page 238, lines 38-40, strike "requirements in connection with an application for a place on the ballot, an application that complies with those requirements is valid" and substitute "the requirements that a candidate's application must satisfy in order for the candidate's name to be placed on the ballot, an application that complies with those requirements is valid, and those requirements supercede this chapter to the extent of any conflict".
- (b) On page 240, lines 19-20, strike "requirements for applications for offices of a political subdivision" and substitute "the requirements that a candidate's application must satisfy in order for the candidate's name to be placed on the ballot".
- (7) On page 245, line 18, strike "may" and substitute "shall".
- (8) On page 247, line 47, strike "shall not be" and substitute "is not".
- (9) On page 249, line 37, strike "prescribed" and substitute "required".
- (10) On page 250, line 10, insert ", declines the nomination," between "dies" and "or".
- (11) On page 250, line 11, insert "day of the" between "the" and "filing".
- (12) On page 250, lines 52-53, strike "beginning of absentee voting" and substitute "first day of the period for voting absentee by personal appearance".

(X. Amendments to TITLE 10. POLITICAL PARTIES)

- (1)(a) On page 252, line 44, insert "elective" between "an" and "office".
- (b) On page 252, lines 45-46, strike "that is regularly filled at the general election for state and county officers".
- (2) On page 253, line 18, strike ", in bold print, identifying" and substitute "identifying in bold print".

- (3)(a) On page 255, line 34, insert "or" after the semicolon.
- (b) On page 255, line 36, strike "; or" and substitute a period.
- (c) On page 255, strike lines 37 and 38.
- (d) On page 304, line 38, strike "A" and substitute "(a) Subject to Subsection (b) of this section, a".
- (e) In Section 192.002, page 304, add a new Subsection (b) to read as follows:
 - (b) A person is not eligible to serve as a presidential elector for a political party unless the person is affiliated with the party.
- (4)(a) On page 255, line 52, strike "on" and substitute "when".
- (b) On page 255, line 53, strike "being" and substitute "he is".
- (c) On page 256, line 2, strike "applying for and being" and substitute "he applies for and is".
- (d) On page 256, line 29, strike "on taking" and substitute "when he takes".
- (5) On page 256, line 15, strike "affiliation".
- (6)(a) On page 256, line 24, strike the comma following "applicant" and substitute "an affiliation certificate with the ballot".
- (b) On page 256, line 25, strike "along with the ballot, an affiliation certificate".
- (7) On page 258, lines 22-23, strike "after the time during which the convention may fill the vacancy" and substitute "too late for a convention to make a nomination for the vacant office".
- (8) On page 260, line 27, strike "appear" and substitute "placed".
- (9) On page 269, line 54, strike "civil".
- (10) On page 271, line 30, strike "172.059" and substitute "172.058".
- (11) On page 272, line 24, insert "the day of" between "before" and "the".
- (12) On page 273, line 40, strike "A" and substitute "Subject to Section 172.059(b) of this code, a".
- (13) On page 275, line 16, strike "shall not be" and substitute "is not".
- (14)(a) On page 278, lines 20-21, strike "for the period for preserving the precinct election returns or".
- (b) On page 278, line 22, strike ", whichever is later".
- (c) On page 278, lines 26-27, strike "for the period for preserving the precinct election returns or".
- (d) On page 278, strike the comma at the end of line 28.
- (e) On page 278, line 29, strike "whichever is later".
- (15) On page 280, line 5, strike "a copy of".
- (16) On page 282, line 46, insert "or facilitate the holding of primary elections within the amount appropriated by the legislature for that purpose" between "elections" and the period.
- (17) On page 284, line 34, insert "of state" between "secretary" and "for".
- (18) On page 285, strike lines 49 and 50 and substitute "required to be deposited in the county primary fund, if the request is submitted by the county chairman, or in the state primary fund, if the request is submitted by the state chairman, that has been received by the authority submitting the request; and".
- (19)(a) On page 286, line 51, insert "estimated" between "of" and "general".
- (b) On page 286, line 54, insert "estimated" between "of" and "runoff".
- (c) On page 287, line 3, insert "estimated" before "general".
- (d) On page 287, line 11, insert "estimated" between "of" and "general".
- (20)(a) On page 287, line 34, strike "allocated to" and substitute "required to be deposited in".

- (b) On page 287, line 35, strike "to" and substitute "in".
- (21)(a) On page 288, line 14, strike "it" and substitute "payment of the excess".
- (b) On page 288, line 15, insert "payment of" after "that".
- (22)(a) On page 294, line 3, insert "by the party's gubernatorial candidate" between "received" and "in".
- (b) On page 294, lines 4-5, strike "by the party's gubernatorial candidate".
- (23) On page 295, line 10, strike "the party with which he is aligned" and substitute "his party".
- (24) On page 297, line 15, insert "convening of the" between "the" and "precinct".
- (25) On page 298, lines 4-5, strike "for another political party" and substitute "to qualify another political party to have the names of its nominees placed on the ballot".
- (26)(a) On page 298, lines 14-15, strike "written notice".
- (b) On page 298, line 16, insert "written notice" between "county" and "of".
- (27) On page 299, line 47, insert "the" between "for" and "10".
- (28)(a) On page 300, line 18, strike "except that if" and substitute "unless".
- (b) On page 300, line 19, insert "in which event" between "mail," and "they".
- (29) On page 300, line 22, strike "temporary" and substitute "convention".
- (30) On page 301, line 26, insert "convening of the" between "the" and "precinct".
- (31) On page 302, line 18, strike "primary" and substitute "election".
- (32) On page 302, line 24, strike "may" and substitute "shall".

(XI. Amendments to TITLE 11. PRESIDENTIAL ELECTIONS)

- (1) On page 306, line 17, insert "state" between "the" and "chairman".
- (2) On page 306, line 25, strike "is".
- (3)(a) On page 308, line 18, insert "that he has indicated" between "candidate" and "he".
- (b) On page 308, line 19, strike "under Subdivision (2) of this subsection".
- (4) On page 307, line 34, strike "may" and substitute "shall".

(XII. Amendment to TITLE 12. VACANCIES)

- (1) On page 317, line 46, strike "convening of" and substitute "day of convening".

(XIII. Amendments to TITLE 13. RECOUNTS)

- (1) On page 325, lines 40-41, strike "recount coordinator" and substitute "authority".
- (2) On page 328, line 2, strike "held and".
- (3) In Section 212.029, page 328, designate the paragraph beginning on line 27 with "Promptly" as Subsection (b) and insert a new Subsection (a) to read as follows:
 - (a) Promptly on the submission of a recount petition under Section 212.028(b) of this code, the recount coordinator, if he is not the same person as the presiding officer of the canvassing authority designated by law, shall notify the latter of the submission.

- (4)(a) On page 324, line 30, insert “; NOTICE” after “PETITION”.
- (b) On page 329, line 10, insert “; NOTICE” between “PETITION” and the period.
- (5) In Section 212.033, page 329, add a new Subsection (e) to read as follows:
 - (e) Promptly after approving or rejecting a petition submitted under Section 212.028(b) of this code, the recount coordinator, if he is not the same person as the presiding officer of the canvassing authority designated by law, shall notify the latter of the action taken.
- (6)(a) On page 329, line 14, insert “recount” between “the” and “coordinator”.
- (b) On page 329, line 20, insert “recount” between “the” and “coordinator”.
- (7)(a) On page 330, line 3, strike “valid”.
- (b) On page 330, line 3, insert “or (b)” after “212.028(a)”.
- (c) On page 330, line 6, strike “the recount is completed.” and substitute “final action on the petition is taken under Section 212.033 of this code. If the petition is approved, the canvass is further delayed until the recount is completed. If a petition submitted under Section 212.028(b) of this code is rejected, the authority designated by the joint election agreement shall make the canvass; if it is approved, the canvassing authority designated by law shall make the canvass.”
- (d) On page 330, line 7, strike “valid”.
- (e) On page 330, lines 9-10, strike “that canvass until the recount is completed but” and substitute “the final canvass for the office or measure involved in the recount until final action on the petition is taken under Section 212.033 of this code. If the petition is approved, the canvass is further delayed until the recount is completed. The submission of the petition”.
- (f) On page 330, line 12, strike “valid”.
- (g) On page 330, line 13, strike “delays” and substitute “has the effect stated in Subsection (a) of this section on”.
- (h) On page 330, lines 14-15, strike “until the recount is completed”.
- (8)(a) On page 330, lines 45-46, strike “and the initial recount changes that result”.
- (b) On page 330, lines 47-50, strike “and the initial recount shows the candidate to be defeated or not to be entitled to a place on the ballot for a subsequent election to determine the nomination or election to the office”.
- (c) On page 330, lines 52-54, strike “and the initial recount shows the candidate not to be nominated or elected or not to be entitled to a place on a runoff ballot”.
- (d) On page 331, lines 2-4, strike “and the initial recount shows the candidate to have received fewer votes than the second highest candidate”.
- (9) On page 331, line 7, insert “general” after “presidential”.
- (10) On page 333, line 16, strike “on” and substitute “for nomination or election to”.
- (11) On page 336, line 3, strike “212.137” and substitute “212.136”.
- (12) On page 336, line 24, strike “A” and substitute “Subject to Subsection (a) of this section, a”.
- (13) On page 338, line 41, strike “held and”.
- (14)(a) In Section 213.033, page 341, redesignate Subsection (d) as Subsection (e) and insert a new Subsection (d) to read as follows:
 - (d) After the canvass is completed, the recount supervisor shall deliver the recount committee’s report to the general custodian of election records.

- (b) On page 341, line 12, strike "on" and substitute "or".
- (c) On page 341, line 12, insert "in the recount supervisor's possession" after "report".
- (d) In Section 213.055, page 342, add new Subsections (c) and (d) to read as follows:
 - (c) After the recount supervisor completes preparation of his report, he shall deliver the recount committee's report to the general custodian of election records.
 - (d) On completion of his report, the recount supervisor shall deliver one copy to the recount coordinator and one copy to the general custodian of election records, each copy to be preserved for the period for preserving the precinct election returns.
- (e) On page 345, lines 9-10, strike "deliver his copy to the recount supervisor with the delivery of the report." and substitute "attach the tally list to the copy of the committee's report that is to be delivered to the recount supervisor. The attached tally list is a component of the report."
- (f) On page 345, line 8, insert "recount" between "the" and "committee's".
- (g) On page 346, line 39, insert "recount" after "the".
- (h) On page 346, line 37, strike "both copies" and substitute "the returns".
- (i) On page 346, lines 40-43, strike "deliver one copy of the returns to the recount supervisor with the delivery of the report and shall deliver the other copy to the general custodian of election records." and substitute "attach the recount returns to the copy of the committee's report that is to be delivered to the recount supervisor. The attached returns are a component of the report."
- (j) On page 351, line 9, insert "recount" between "the" and "committee's".
- (k) On page 351, lines 10-11, strike "deliver the copy to the recount supervisor with the delivery of the report." and substitute "attach the recount returns to the copy of the committee's report that is to be delivered to the recount supervisor. The attached returns are a component of the report."
- (15)(a) On page 352, line 29, insert "telephone, postage, and other" between "the" and "office".
- (b) On page 352, line 34, insert "telephone, postage, and other" between "the" and "office".

(XIV. Amendments to TITLE 14. ELECTION CONTESTS)

- (1) On page 355, between lines 22 and 23 insert:
 - TITLE 14. ELECTION CONTESTS
 - SUBTITLE A. INTRODUCTORY PROVISIONS
- (2) On page 359, between lines 12 and 13 insert:
 - SUBTITLE B. CONTESTS IN THE DISTRICT COURT
- (3)(a) On page 364, lines 53-54, strike "Except as provided by Section 232.011 of this code, the" and substitute "The".
- (b) On page 364, line 54, strike "for the contestee".
- (c) On page 365, lines 5-6, strike "Except as provided by Section 232.011 of this code, the" and substitute "The".
- (d) In Section 232.011, page 365, add a new Subsection (h) to read as follows:
 - (h) This section supercedes other provisions of this subchapter to the extent of any conflict.

- (4) On page 366, line 19, strike “district” and substitute “trial”.
- (5)(a) On page 367, line 16, strike “for” and substitute “directing the appropriate authority to order”.
- (b) On page 377, line 55, strike “for” and substitute “directing the appropriate authority to order”.
- (6) On page 374, between lines 29 and 30 insert:
SUBTITLE C. CONTESTS IN OTHER TRIBUNALS

(XV. Amendments to TITLE 15. CAMPAIGN FINANCE)

- (1)(a) On page 384, line 49, strike “accrued” and substitute “incurred”.
- (b) On page 385, line 17, strike “accrued” and substitute “incurred”.
- (2) On page 396, line 21, strike “A violation of” and substitute “An offense under”.
- (3)(a) On page 396, line 23, insert “(a)” between “LOANS.” and “A”.
- (b) In Section 253.102, page 396, add a new Subsection (b) to read as follows:
 - (b) A violation of this section is a felony of the third degree.
- (4) On page 400, line 40, strike “filing deadline” and substitute “end”.
- (5) On page 401, lines 7-8, strike “of the filing period” and substitute “permitted under this chapter for filing the report”.
- (6)(a) On page 402, line 13, strike “ending” and substitute “continuing through”.
- (b) On page 402, line 16, strike “ending” and substitute “continuing through”.
- (c) On page 402, line 18, strike “ending” and substitute “continuing through”.
- (d) On page 402, line 33, strike “ending” and substitute “continuing through”.
- (e) On page 402, line 54, strike “ending” and substitute “continuing through”.
- (f) On page 403, line 54, strike “ending” and substitute “continuing through”.
- (g) On page 404, line 11, strike “ending” and substitute “continuing through”.
- (h) On page 405, line 18, strike “ending” and substitute “continuing through”.
- (i) On page 405, line 20, strike “ending” and substitute “continuing through”.
- (j) On page 405, line 23, strike “ending” and substitute “continuing through”.
- (k) On page 405, line 41, strike “ending” and substitute “continuing through”.
- (l) On page 406, line 16, strike “ending” and substitute “continuing through”.
- (m) On page 406, line 51, strike “ending” and substitute “continuing through”.
- (n) On page 407, line 24, strike “ending” and substitute “continuing through”.
- (o) On page 408, line 46, strike “ending” and substitute “continuing through”.
- (p) On page 408, line 48, strike “ending” and substitute “continuing through”.

- (q) On page 408, line 51, strike "ending" and substitute "continuing through".
- (r) On page 409, line 13, strike "ending" and substitute "continuing through".
- (s) On page 409, line 41, strike "ending" and substitute "continuing through".
- (t) On page 409, line 43, strike "ends" and substitute "continues through".
- (u) On page 409, line 44, strike "ending" and substitute "continuing through".
- (v) On page 409, line 54, strike "ends" and substitute "continues through".
- (w) On page 410, line 1, strike "ends" and substitute "continues through".
- (x) On page 410, line 11, strike "ending" and substitute "continuing through".
- (7) On page 409, lines 32-33, strike "aggregate amount of political contributions or expenditures that are" and substitute "amount of a political contribution, expenditure, or loan that is".

(XVI. Amendments to TITLE 16. MISCELLANEOUS PROVISIONS)

- (1) On page 417, line 37, strike "election" and substitute "the elections".
- (2) On page 417, strike lines 42-46 and substitute "officer of the canvassing authority designated by the joint canvassing agreement shall deliver the appropriate part of the tabulation of the precinct results to each of the presiding officers of the canvassing authorities designated by law for the elections of the participating political subdivisions. Each tabulation so delivered shall then be processed in the same manner as".
- (3) On page 419, line 21, strike "last federal decennial" and substitute "most recent federal".
- (4) On page 419, line 36, strike "that".
- (5) On page 420, line 5, strike "decennial".
- (6) On page 423, line 53, strike "shall be" and substitute "is".
- (7) On page 423, line 54, strike "No witness shall" and substitute "A witness may not".
- (8) On page 427, line 12, strike "either".
- (9) On page 430, line 18, insert "day of the" between "the" and "first".

(XVII. Amendment to SECTION 2)

- (1) On page 433, strike lines 40-41 and substitute "(e) If neither H.B. No. 1436 nor S.B. 751, 67th Legislature, Regular Session, 1981, proposing an Agriculture Code, becomes law, Subsection".

The committee amendment was read and was adopted.

Senator Ogg offered the following committee amendment to the bill:

Amend S.B. 610 by inserting "general" between "presidential" and "election" on page 306, lines 12 and 37, and on page 307, line 12.

The committee amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend **S.B. 610** as follows:

(1) In Section 161.005, page 252, add a new Subsection (c) to read as follows:

(c) A political party by rule may prescribe eligibility requirements for offices of the party in addition to those prescribed by this title unless expressly prohibited from doing so by this title.

(2) On page 252, line 8, strike "ELIGIBILITY FOR CERTAIN PARTY OFFICES" and substitute "ELIGIBILITY FOR PARTY OFFICES GENERALLY".

(3) On page 252, line 38, strike "ELIGIBILITY FOR CERTAIN PARTY OFFICES" and substitute "ELIGIBILITY FOR PARTY OFFICES GENERALLY".

(4) On page 263, lines 8 and 9, strike "provisions of Section 161.005 of this code" and substitute "other applicable eligibility requirements".

The amendment was read and was adopted.

Senator Ogg offered the following amendment to the bill:

Amend **S.B. 610** as follows:

(1) On page 50, strike lines 36-45 and substitute the following:

Sec. 31.003. UNIFORMITY. It is the responsibility of the secretary of state to obtain and maintain uniformity in the application, operation, and interpretation of this code and of the election laws outside this code. In carrying out this responsibility, the secretary shall prepare detailed and comprehensive written directives, rules, and instructions relating to and based on this code and the election laws outside this code. The secretary of state shall distribute these materials to the appropriate state and local authorities having duties in the administration of these laws.

(2) Strike line 51 on page 50 and lines 1-5 on page 51 and substitute the following:

Sec. 31.005. ASSISTANCE AND ADVICE. The secretary of state shall assist and advise all election officers with regard to the application, operation, and interpretation of this code and of the election laws outside this code.

(3) On page 49, line 6, strike "PROMOTING UNIFORMITY IN ELECTION ADMINISTRATION" and substitute "UNIFORMITY".

(4) On page 49, line 8, strike "GENERAL RULEMAKING AUTHORITY" and substitute "ASSISTANCE AND ADVICE".

(5) On page 436, renumber existing Section 6 as Section 7 and add a new Section 6 to read as follows:

SECTION 6. The legislature hereby declares that the purpose of enacting Sections 31.001, 31.003, and 31.005 of the Election Code provided by this Act is to preserve, without enlarging, diminishing, or otherwise substantively changing, the powers, functions, and duties that the secretary of state, as the state's chief election officer, had pursuant to Subdivision 1 of Section 3 of the Texas Election Code of 1951 (Article 1.03, Vernon's Texas Election Code) as it existed on August 31, 1981.

The amendment was read and was adopted.

Senator Ogg offered the following amendment to the bill:

Amend S.B. 610 as follows:

- (1) On page 292, line 19, strike "first" and substitute "second".
- (2) In Section 3, page 436, insert a new Subsection (g) to read as follows:
- (g) Senate Bill 48, 67th Legislature, Regular Session, 1981, is repealed.

The amendment was read and was adopted.

Senator Ogg offered the following amendment to the bill:

Amend S.B. 610, page 50, line 21, by striking "elections under".

The amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Doggett, Mauzy and Kothmann asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 610 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 610 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Doggett, Kothmann, Mauzy.

Absent-excused: Andujar, Parker, Wilson.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Doggett, Mauzy and Kothmann asked to be recorded as voting "Nay" on the final passage of the bill.

RECESS

On motion of Senator Mauzy the Senate at 12:14 o'clock p.m. took recess until 2:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:00 o'clock p.m. and was called to order by the President.

AT EASE

The President announced the Senate would stand At Ease pending the arrival of a quorum.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 2:03 o'clock p.m.

RECESS

On motion of Senator Brooks, the Senate recessed until 2:15 o'clock p.m.

AFTER RECESS

The Senate met at 2:15 o'clock p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

House Chamber
May 7, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 2051, Has been TABLED by the House by a Record Vote of 92 ayes 35 nays and 12 present-not voting.

H.B. 656, Relating to the appropriation of money for the financing of state government.

The House has adopted the Conference Committee Report on **S.B. 319** by a vote of 129 ayes, 1 noes, 6 present-not voting.

The House has adopted the Conference Committee Report on **S.B. 425** by a vote of 76 ayes, 51 noes, 5 present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

RECESS

On motion of Senator Mauzy and by unanimous consent, the Senate agreed to caucus in the Lieutenant Governor's Committee Room and would stand recessed until the conclusion of that caucus.

AFTER RECESS

The Senate met at 2:59 o'clock p.m. and was called to order by the President.

CONFERENCE COMMITTEE ON HOUSE BILL 246

Senator Snelson called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 246** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 246** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Snelson, Chairman; Leedom, Mauzy, Parker, Uribe.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 656, To Committee on Finance.

COMMITTEE SUBSTITUTE SENATE BILL 919 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 919, Relating to deposit and investment of funds of the Teacher Retirement System of Texas.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Amend **C.S.S.B. 919**, SECTION 3,(k) to read as follows:

SECTION 3. (k) A nominee may be a partnership composed of system employees and members of the Board of Trustees. The retirement system may enter into a contract with a partnership composed of system employees and members of the Board of Trustees for its services as a nominee without complying with other statutory requirements for awarding contracts for services

by state agencies except that such a contract shall be approved by the State Treasurer and the Attorney General of the State in order that total interests of the state and the retirement system are protected. If the partners are also retirement system employees and trustees of the system, the managing partner shall be a member of the Board of Trustees of the retirement system. The managing partner may execute such power of attorney as may be necessary to effectuate the provisions of this act, provided such attorney is a member of this partnership. If the partners are also retirement system employees and members of the Board of Trustees, they may accept no compensation or profits from the partnership and shall hold any profits of the partnership in trust for the retirement system. The retirement system may agree to indemnify its employees and board members acting in their capacities as individual partners of the nominee and may purchase performance bonds for them. The retirement system also may pay expenses and provide facilities, services, supplies, and materials necessary to the functioning of the partnership as its nominee. However, if the partnership is composed of system employees and members of the Board of Trustees, expense reimbursements shall be at the same rate that they would have received as employees and board members.

The amendment was read and was adopted.

On motion of Senator Howard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 919 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 919 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Howard, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: McKnight.

Absent: Harris.

Absent-excused: Andujar, Parker, Wilson.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 745 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 745, Relating to ownership of a licensed managing general agent in the insurance business.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 745 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 745 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Harris.

Absent-excused: Andujar, Parker, Wilson.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Harris.

Absent-excused: Andujar, Parker, Wilson.

COMMITTEE SUBSTITUTE SENATE BILL 1044 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1044, Relating to exempting certain child-care facilities from licensing requirements, providing for their registration with the Texas Youth Council, and permitting them to be appointed managing conservator in suits affecting the parent-child relationship.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend Senate Bill 1044 by striking all below the enacting clause and substituting in lieu thereof:

SECTION 1. Section 42.052, Human Resources Code, is amended by adding Subsection (e) to read as follows:

(e) The certification requirements of this section do not apply to a Texas Youth Council facility or a facility providing services solely for children placed by TYC.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1044 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1044 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Harris.

Absent-excused: Andujar, Parker, Wilson.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Harris.

Absent-excused: Andujar, Parker, Wilson.

COMMITTEE SUBSTITUTE SENATE BILL 727 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 727, Relating to bail bonds and the regulation of bail bondsmen and their agents; providing penalties.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend C.S.S.B. 727 on page 1, line 52, by deleting the word "Except" and beginning the sentence with the word "In."

Amend C.S.S.B. 727 on page 1, line 52 by deleting the words "does not have" and substituting the word "has."

The amendment was read and was adopted.

Senator Glasgow offered the following amendment to the bill:

Amend S.B. 727 by deleting Section 3(e) and substituting the following Section 3(e):

(e) Persons licensed to practice law in this state may execute bail bonds or act as sureties for persons they actually represent in criminal cases without being licensed under this Act but they are prohibited from engaging in the practices made the basis for revocation of license under this Act and if found by the sheriff to have violated any term of this Act, may not qualify thereafter under the exception provided in this subsection unless and until he comes into compliance with those practices made the basis of revocation under this Act.

The amendment was read and was adopted.

Senator Glasgow offered the following amendment to the bill:

Amend C.S.S.B. 727 on page 6, lines 36 and 37 by deleting the following: "Subdivision (3) of."

The amendment was read and was adopted.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 727 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 727 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, Parker, Wilson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, Parker, Wilson.

COMMITTEE SUBSTITUTE SENATE BILL 1087 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1087, Relating to the provision of the right to investigate the suspected abuse, exploitation and neglect of an elderly person.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1087 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1087 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, Parker, Wilson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, Parker, Wilson.

COMMITTEE SUBSTITUTE SENATE BILL 739 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 739, Relating to the licensing and regulation of public adjusters; providing penalties.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 739 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 739** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, Parker, Wilson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Andujar, Parker, Wilson.

(President Pro Tempore Traeger in Chair)

COMMITTEE SUBSTITUTE HOUSE BILL 889 ON SECOND READING

Senator Doggett asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 889, Relating to the authority of the comptroller of public accounts to establish and operate an electronic funds transfer system for certain payees.

There was objection.

Senator Doggett then moved to suspend the regular order of business and take up **C.S.H.B. 889** for consideration at this time.

The motion prevailed by the following vote: Yeas 18, Nays 8.

Yeas: Blake, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Mauzy, McKnight, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale.

Nays: Brooks, Howard, Jones, Leedom, Meier, Mengden, Ogg, Williams.

Absent: Brown, Richards.

Absent-excused: Andujar, Parker, Wilson.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators Howard, Meier and Ogg asked to be recorded as voting "Nay" on the passage of the bill to third reading.

SENATE CONCURRENT RESOLUTION 106

Senator Santiesteban offered the following resolution:

WHEREAS, Senate Bill Number 425 has been passed by both the Senate and the House and is now in the office of the Senate Enrolling Clerk, and there are certain corrections to be made therein; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the Senate Enrolling Clerk be and is hereby respectfully requested to return Senate Bill Number 425 to the Senate for further consideration.

The resolution was read.

On motion of Senator Santiesteban and by unanimous consent, the resolution was considered immediately and was adopted.

**VOTE BY WHICH CONFERENCE COMMITTEE REPORT ON
SENATE BILL 425 ADOPTED RECONSIDERED**

On motion of Senator Santiesteban and by unanimous consent, the vote by which the Conference Committee Report on S.B. 425 was adopted was reconsidered.

Question - Shall the Conference Committee Report on S.B. 425 be adopted?

Senator Santiesteban moved that a new Conference Committee be appointed on S.B. 425.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 425 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Santiesteban, Chairman; Parker, Ogg, Uribe, Vale.

MEMORIAL RESOLUTION

S.R. 600 - By Howard: Memorial resolution for Judge William Feffress Fanning.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 592 - By Doggett: Extending congratulations to Aubrey Bowser.

S.R. 593 - By Doggett: Extending congratulations to the Women's Swim Team of The University of Texas.

S.R. 594 - By Doggett: Extending congratulations to the Band and Orchestra of O. Henry Junior High School.

S.R. 595 - By Wilson: Extending welcome to the fourth grade class of Salado Elementary School.

S.R. 596 - By Doggett: Extending welcome to Reverend Martin Walker.

S.R. 598 - By Wilson: Extending welcome to first grade class from Northside Elementary School in Taylor.

S.R. 599 - By Wilson: Extending welcome to the junior high students from Sacred Heart School in La Grange.

S.R. 601 - By Doggett: Extending congratulations to Martha Arbuckle.

ADJOURNMENT

On motion of Senator Mauzy the Senate at 3:44 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, May 11, 1981.

APPENDIX

Signed by Governor
(May 4, 1981)

H.C.R. 45
H.C.R. 94
H.C.R. 155
H.C.R. 157
H.C.R. 167

Signed by Governor
(May 6, 1981)

S.B. 9	Effective January 1, 1982
S.B. 14	Effective September 1, 1981
S.B. 371	Effective August 31, 1981
S.B. 424	Effective August 31, 1981
S.B. 728	Effective August 31, 1981
S.B. 749	Effective immediately
S.C.R. 6	
S.C.R. 54	
S.C.R. 86	
S.C.R. 90	
S.C.R. 99	

Sent to Governor
(May 7, 1981)

S.B. 301
S.B. 478
S.B. 602
S.B. 1122

Sent to Comptroller
(May 7, 1981)

S.B. 735